

# BERICHTE UND URKUNDEN

## VÖLKERRECHT

### Abkommen zwischen der dänischen und britischen Regierung zur vorläufigen Regelung der Fischerei in den Gewässern um die Färöer-Inseln vom 27. April 1959

#### Vorbemerkung<sup>1)</sup>

Durch Vertrag vom 24. Juni 1901<sup>2)</sup> zwischen Großbritannien und Dänemark wurde die ausschließliche Fischereizone für die Küstengewässer Islands und der Färöer auf 3 (geographische) Meilen<sup>3)</sup> festgelegt. Als Island 1949 das Abkommen trotz heftigen britischen Protestes mit Wirkung vom 1. Oktober 1951 kündigte und 1952 eine neue Fischereizone von 4 Seemeilen einführte, wurde auch auf den Färöern die Forderung nach einer Ausweitung der Fischereigewässer laut. Durch ein dänisch-britisches Abkommen vom 22. April 1955<sup>4)</sup> wurde daraufhin die ausschließliche Fischereizone der Färöer neu festgelegt. Man hielt zwar an der 3-Meilen-Grenze fest, erreichte aber durch eine neue Berechnungsgrundlage faktisch eine beträchtliche Ausdehnung der Fischereigewässer. Das Abkommen sollte für die Dauer von 10 Jahren unkündbar und nach Ablauf dieser Periode mit einer Frist von 2 Jahren kündbar sein.

Als Island nach Beendigung der Genfer Seerechtskonferenz vom Sommer 1958 am 1. Juni 1958<sup>5)</sup> bekanntgab, daß mit Wirkung vom 1. September 1958 die isländische Fischereigrenze auf 12 Seemeilen erstreckt werde, faßte das färöische Løgting am 6. Juni 1958 den Beschluß, die färöische Fischereigrenze ebenfalls ab 1. September 1958 auf 12 Seemeilen festzu-

1) Die folgenden Ausführungen stützen sich auf die amtliche Begründung der dänischen Regierungsvorlage Rigsdagstidende, Tillaeg A, 1958/59, Sp. 2373 ff.

2) Martens NRG Série 2 T. 33 (1906), S. 268.

3) Vgl. Art. 3 des Abkommens: "The miles mentioned . . . are geographical miles, whereof 60 make a degree of latitude". Die Regierungsvorlage spricht demgegenüber fälschlich von Seemeilen.

4) Vgl. Treaty Series No. 29 (1955), Cmd. 9457.

5) Vgl. The Times vom 3. 6. 1958, S. 8.

setzen. Im Laufe des September 1958 führten dänisch-britische Verhandlungen, die unter Beteiligung eines Vertreters der färöischen Selbstverwaltung stattfanden, zu dem unten abgedruckten, in Form eines Notenwechsels gefaßten Abkommen, wonach die Fischereigrenze grundsätzlich 6 Seemeilen von der Küste entfernt verläuft, während in bestimmten Gebieten innerhalb der 6- und 12-Meilen-Grenze generell jede Fischerei einschließlich der dänischen und färöischen beschränkt wird. Dem Abkommen haben das färöische Løgting am 24. Februar 1959 und das dänische Lagting am 19. März 1959 zugestimmt. Die Noten wurden am 27. April 1959 ausgetauscht. Der nachstehend abgedruckte englische Text ist allein authentisch.

Falls es auf der für 1960 in Genf vorgesehenen Seerechtskonferenz zum Abschluß einer allgemeinen Konvention über die Ausdehnung der Territorial- und Küstengewässer kommt, so tritt diese an die Stelle des vorliegenden Abkommens. Andernfalls kann das Abkommen nicht vor Ablauf von drei Jahren gekündigt werden. Britischerseits ist beabsichtigt, nach dem Muster dieses Abkommens zu entsprechenden Vereinbarungen über die isländischen und grönländischen Gewässer zu gelangen.

Hallier

**Exchange of Notes**

**between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Denmark modifying the Convention of June 24, 1901, as later amended, concerning the Regulation of Fishing around the Faroe Islands<sup>6)</sup>**

No. 1

*The Danish Minister for Foreign Affairs to Her Majesty's Ambassador  
at Copenhagen*

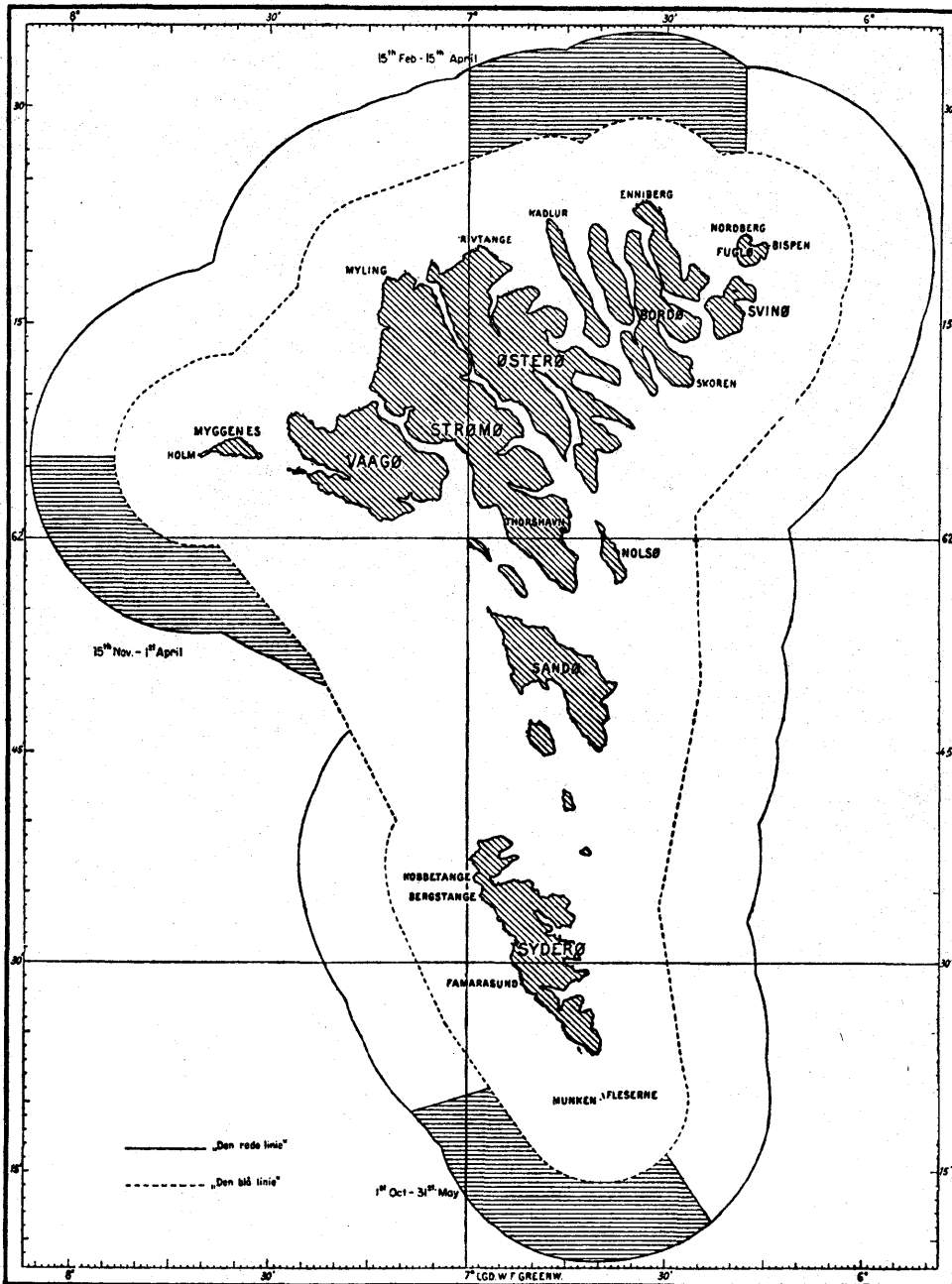
*Copenhagen, April 27, 1959.*

Sir,

I have the honour to refer to the discussions between representatives of the Government of Denmark and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the temporary regulation of fishing around the Faroe Islands pending the entry into force of a general Convention regulating the breadth of the territorial sea and fishery limits and have the honour to make the following proposals:

I. The Government of the United Kingdom shall raise no objection to the exclu-

<sup>6)</sup> Treaty Series No. 55 (1959), Cmnd. 776.



Anlage zum dänisch-britischen Abkommen vom 27. 4. 1959  
 (aus: Andre selvstændige forslag Nr. XI, Blad Nr. 279)

sion by the competent Danish or Faroese authorities of vessels registered in the United Kingdom from fishing in the area between the coast of the Faroe Islands and the blue line shown on the map annexed hereto.

II. Having regard to the fisheries traditionally exercised in waters around the Faroe Islands by vessels registered in the United Kingdom, the Government of Denmark shall raise no objection to such vessels continuing to fish in the area between the blue line mentioned in paragraph I and a line twelve sea miles from low water mark along the coast of the Faroe Islands drawn as shown by the red dotted line on the map annexed thereto.

III. In view of the exceptional dependence of the Faroese economy on fisheries, in the three areas hatched red on the map annexed hereto, lying within the area mentioned in paragraph II, fishing by vessels registered in the Faroe Islands or Denmark and vessels registered in the United Kingdom shall be limited to fishing with long line and hand line between the dates specified in sub-paragraphs (a), (b) and (c) of this paragraph. The areas and dates referred to are: —

(a) on the west: the area south-west and south of Myggenæs bounded at the northern end by the broken blue line drawn on a bearing of 270 degrees (True) from Myggenæs lighthouse — annually from the 15th of November to the 1st of April;

(b) on the south: the area south of the island of Syderö bounded at its northern end by the broken blue line on a bearing of 253 degrees (True) from Akraberg lighthouse, and on the east by the similar line on a bearing of 146 degrees (True) from the same lighthouse — annually from the 1st of October to the 31st of May;

(c) on the north: the area bounded on the west by the broken blue line forming the meridian of longitude 7 degrees west of Greenwich, and on the east by the broken blue line drawn due north of the northern point of Nordberg on Fuglø — annually from the 15th of February to the 15th of April.

IV. The Danish Government shall accord to fishing vessels registered in the United Kingdom treatment no less favourable than that accorded to the fishing vessels of any other foreign country.

V. The map annexed hereto shall be an integral part of the present Agreement and shall be deemed to be definitive as regards the lines and areas mentioned in paragraphs I, II and III.

VI. The Governments of Denmark and the United Kingdom shall arrange for experts to report each year what, if any, measures additional to those currently in force may be necessary for the conservation of the stocks of fish around the Faroe Islands and the two Governments shall consider together any recommendations for such measures that may be made by the experts.

VII. Nothing in the present Agreement shall be deemed to prejudice the views held by either Government as to the delimitation and limits in international law of territorial waters or of exclusive jurisdiction in fishery matters.

VIII. (a) The present Agreement shall enter into force on this day's date and shall, subject to the provisions of sub-paragraph (b) of this paragraph, remain in

force until the entry into force of a general Convention regulating the breadth of the territorial sea and fishery limits.

(b) If by the 27th of October, 1961, a Convention as mentioned in sub-paragraph (a) of this paragraph has not entered into force, the Governments of Denmark and the United Kingdom shall consider whether any modifications should be made to the present Agreement and, subject to such modifications as may be agreed, the present Agreement shall continue in force provided that at any time after the 27th of April, 1962, either Government may give to the other Government notice in writing terminating the Agreement which notice shall take effect one year after the date on which such notice is given.

2. If the proposals contained in this Note are acceptable to the Government of the United Kingdom I suggest that this Note, and your reply to that effect, should be regarded as constituting an Agreement between our two Governments replacing the provisions regarding Fishery Limits around the Faroe Islands set out in the Notes exchanged between our two Governments on the 22nd of April, 1955, and modifying, accordingly, the Convention of the 24th of June, 1901, as modified by the Notes exchanged between our two Governments on the 23rd of July, 1954, and the 22nd of April, 1955.

I avail, &c.

J. O. KRAG.

No. 2

*Her Majesty's Ambassador at Copenhagen to the Danish Minister  
for Foreign Affairs*

*Copenhagen, April 27, 1959.*

Monsieur le Ministre,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows: —

[As in No. 1]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an Agreement between our two Governments, replacing the provisions regarding the fishery limits around the Faroe Islands set out in the Notes exchanged between our two Governments on the 22nd of April, 1955, and modifying, accordingly, the Convention of the 24th of June, 1901, as modified by the Notes exchanged between our two Governments on the 23rd of July, 1954, and the 22nd of April, 1955.

I have, &c.

R. E. BARCLAY.